



U.S. Department of
Transportation

Office of the Secretary
of Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

95-45

Weekly Summary of Orders and
Regulations

OCTOBER 30 - NOVEMBER 3, 1995

Order	Docket	Summary	Date Action Taken
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(#) Published in the Federal Register.

95-10-34	OST-95-697 48559	SMALL COMMUNITY AIR SERVICE AT DICKINSON, NORTH DAKOTA UNDER 49 U.S.C. 41736 ET SEQ.: The Department is setting a final annual subsidy rate for Great Lakes Aviation, Ltd., d/b/a United Express, to provide subsidized air service at Dickinson, North Dakota, beginning October 1, 1995, until further Department action, at \$217,727. Served 10-30-95	10-24-95
95-10-35	OST-95-290 OST-95-702	APPLICATIONS OF LORAIR, LTD. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE AND FOREIGN CHARTER AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL: The Department tentatively concludes that LorAir, Inc., is a citizen of the United States, and is fit, willing, and able to provide interstate and foreign charter air transportation, and should be issued certificates of public convenience and necessity for such operations. Objections due November 15, 1995. Answers to Objections due November 27, 1995. Served 10-31-95	10-24-95

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95-10-36	50381	<p>ESSENTIAL AIR SERVICE AT TUSCALOOSA, ALABAMA UNDER 49 U.S.C. 41731 ET SEQ.:</p> <p>The Department requires Flagship Airlines, Inc., d/b/a American Eagle, to maintain essential air service at Tuscaloosa, Alabama, as set forth in Appendix C of Order 95-7-50, for an additional 30-day period through December 4, 1995, or until a carrier capable of providing reliable replacement service, whichever is first.</p> <p>Served 10-31-95</p>	10-26-95
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95-10-37	41291 42115 42789	<p>NINETY-DAY NOTICE OF GP EXPRESS AIRLINES, INC. D/B/A CONTINENTAL CONNECTION OF INTENT TO TERMINATE ESSENTIAL AIR SERVICE AT KEARNEY, HASTINGS, AND MCCOOK, , ALLIANCE, CHADRON, SCOTTSBLUFF AND NORTH PLATTE, NEBRASKA, UNDER 49 U.S.C. 41731 ET SEQ.:</p> <p>The Department requires GP Express, Inc. d/b/a Continental Connection, to maintain essential air service at Alliance, Chadron, Hastings, Kearney, McCook, North Platte, Scottbluff, Nebraska, as set forth in Order 94-4-1, April 1, 1994, for an additional 30-day period, through November 29, 1995, or until further Department action, whichever comes first.</p> <p>Served 10-31-95</p>	10-26-95
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Intervening number appeared on a previous summary.

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95-10-39	49325 49473	<p>APPLICATIONS OF PRESIDENTIAL AIR FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO ENGAGE IN INTERSTATE AND FOREIGN CHARTER AIR TRANSPORTATION AND FOR AN EXEMPTION FROM SECTION 204.7 OF THE DEPARTMENT'S RULES:</p> <p>The Department finds that Presidential Air continues to be fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail, subject to the Terms, Conditions, and Limitations attached</p> <p>Served 11-1-95</p> <p>Intervening number appeared on a previous summary.</p>	10-26-95
95-10-41	OST-95-434 R-1 - R-8	<p>The Department approves and grants the antitrust immunity to the IATA Agreement contained in Docket OST-95-434, as set forth in finding paragraph one to this order, subject, where applicable, to conditions previously imposed, relating to passenger fare matters.</p> <p>Served 11-3-95</p>	10-30-95
95-10-42	OST-95-659	<p>APPLICATION OF AIR 21, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSON, PROPERTY, AND MAIL:</p> <p>The Department concludes that Air 21, Inc., is a citizen of the United States, and is fit, willing, and able to provide interstate scheduled air transportation, and should be</p>	10-31-95

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continued.....

95-10-42	OST-95-659	continued..... issued a certificate of public convenience and necessity authorizing such operations for the period of one year. Objections due November 15, 1995 Answers to Objections due November 27, 1995. Served 10-31-95 #	10-31-95
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Intervening numbers have not been released.

95-11-3	Undoc'd	BWIA INTERNATIONAL AIRWAYS LIMITED - VIOLATIONS OF 14 CFR PART 399.84 AND 49. U.S.C. SECTION 41712: - CONSENT ORDER This consent order concerns violations of the Department's regulations during August 1995 by BWIA International Airways Limited (BWIA) involving its fare advertising. The advertisements in question failed to comply with section 399.84 of the Department's regulations (14 CFR 399.84) and constituted unfair and deceptive practices in violation of 49 U.S.C. Section 41712. This consent order directs BWIA to cease and desist from future violations and to pay a compromise civil penalty. Served 11-2-95	11-2-95
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Intervening numbers have not been released.

95-11-5	OST-95-618	JOINT APPLICATION OF DELTA AIR LINES, INC., SWISSAIR, SWISS AIR TRANSPORT COMPANY, LTD. SABENA, S. A., SABENA BELGIAN WORLD AIRLINES, INC., AND AUSTRIAN AIRLINES,	11- 3-95
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95-11-5	OST-95-618	<p>OSTERREICHISCHE LUFTVERKEHRS AG: The Department grants the Joint Applicants' October 10, 1995, motion for confidential treatment of Information Items 1 and 2 (Order 95-9-27 at (2), limiting access to each of these informational items to counsel and outside experts, and require that persons seeking to review these documents file appropriate affidavits Served 11-3-95.</p>	11-3-95
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95-11-6	49744	<p>ARTHUR MOODY V. DELTA AIR LINES, INC. - VIOLATIONS OF 49 U.S.C. SECTION 47044 AND 14 CFR PART 382: The Department approves this settlement and the provisions of this order as being in the public interest; Finds that Delta Air Lines, Inc. has violated section 382.39 of the Department's rule on nondiscrimination on the basis of handicap in air travel (14 CFR 382.39(a)(1) and (a)(3), as described in this order, through the failure to provide for adequate assistance to passengers using wheelchairs; Orders Delta Air Lines, Inc., to cease and desist from the activities described in paragraph 2 above; Delta Air Lines, Inc. is assessed \$25,000 as a compromise of civil penalties that might otherwise be assessed for the violations found in ordering paragraph 2 of this order. Of the \$25,000 assessed, Delta is ordered to pay \$10,000 within 15 days of the service date of this order according to the payment instructions set forth below. The remaining \$15,000 may be offset by expenses Delta incurs in obtaining additional self-mobile wheelchairs and wheelchair assistance. Delta shall submit an accounting for its claimed expenses within 15 days after the</p>	11- 3-95
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95-11-6	49744	<p>one-year period commencing with the service date of this order to the Office of Aviation Enforcement and Proceedings. To the extent that Delta's allowed expenses are less than \$15,000, the balance shall be remitted to the U.S. Treasury within 15 days of the date that the Enforcement Office informs the carrier of any deficit.</p> <p>All payments made pursuant to this order shall be made by wire transfer through the Federal Reserve Communications System, commonly known as "Fed wire," to the account of the U.S. Treasury in accordance with the attached instructions. Failure to pay the penalty as ordered will subject Delta to assessment of interest, penalty, and collection charges under the Debt Collection Act and possible enforcement action for failure to comply with this order.</p> <p>Dismisses the Complaint in Docket 49744. Served 11-3-95</p>	11-3-95
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Intervening number has not been released.			
95-11-8	OST-95-684 OST-95-680	<p>APPLICATIONS OF AEROFLOT-RUSSIAN INTERNATIONAL AIRLINES FOR EXEMPTIONS UNDER 49 U.S.C. SECTION 40109:</p> <p>The Department denies the requests by Aeroflot-Russian International Airlines for exemptions from section 41301 of Title 49 of the U.S. Code to engage in scheduled combination services (1) over a Vladivostok-Honoululu-Oakland routing; and (2) from Russia to Miami, via intermediate points, and beyond to Lima, Peru (with full traffic rights between Miami and Lima).</p> <p>Served 11-3-95</p>	11- 3-95

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ORDERS NOT RELEASED AS OF
NOVEMBER 3, 1995:
95-11-1, 95-11-2, 95-11-4, 95-11-7